

RECEIVED
SDNY PRO SE OFFICE
2016 FEB -9 AM 8:33

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Clevon Pearson 3001400772

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Officer Gage Deen shield # 9837
Officer Speight shield # 5211
Officer Lewis shield # 10536
Captain Manzo shield # 1360
Dept Fading shield # 714

**AMENDED
COMPLAINT**

under the Civil Rights Act,
42 U.S.C. § 1983

Jury Trial: ☐ Yes ☐ No
(check one)

15 Civ. 9842 (AJM)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/5/16

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff's Name Clevon Pearson
ID# 3001400772
Current Institution 18-18 Hazen st East Elmhurst
Address NY 11370 AMHC

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Officer Gage Deen Shield # 9837
Where Currently Employed AMHC
Address 18-18 Hazen st East Elmhurst
NY 11370

Defendant No. 2 Name Officer Speight Shield # 5211
 Where Currently Employed AMHC
 Address 18-18 Hazen St East Elmhurst
NY 11370

Defendant No. 3 Name Officer Lewis Shield # 10536
 Where Currently Employed 18-18 Hazen St AMHC
 Address East Elmhurst NY 11370

Who did
what?

Defendant No. 4 Name Dept Fading Shield # 74
 Where Currently Employed AMHC
 Address 18-18 Hazen St East Elmhurst
NY 11370

Defendant No. 5 Name Captain Manzo Shield # 1360
 Where Currently Employed 18-18 Hazen St East Elmhurst
 Address NY 11370

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. In what institution did the events giving rise to your claim(s) occur?
AMHC 18-18 Hazen St East Elmhurst
NY 11370
- B. Where in the institution did the events giving rise to your claim(s) occur?
Quad upper 7
- C. What date and approximate time did the events giving rise to your claim(s) occur?
Saturday November 21 2015
Around 5:00 pm

D. Facts: The officer release a barrage of
Chemical agent and while I was blinded by the
Chemicals The alleged officer hit me numerous
times with a baton

What
happened
to you?

The deputy on call dutie on november 21 2015 ordered officer Lewis and Speight to release the chemical agents and I didnt see who assaulted me because I couldnt see

Was anyone else involved?

Officers that I couldnt identify was by name or shield.

Who else saw what happened?

Occupants of Quad 7 upper who was also assaulted.

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

I was decontaminated in the receiving room and was treated by physician on November 21 2015 on the 11 to 7 Shift

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☐ Do Not Know ☐ Pending notification

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☒

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

AMHC 18-18 Hazen St East Elmhurst NY 11370

1. Which claim(s) in this complaint did you grieve?

The assault as was the releasing of the Chemical agents

2. What was the result, if any?

Still pending rendering disposition

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

none disposition pending

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Filed pending

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any:

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

As a result I would like a full investigation to take place in this matter along with all parties. The mentioned parties that was present on november 21 2015 was extracted from the housing area with brutal force for a reason that was rectified after the fact a razor that was missing from the 2 to 3 shift but as a result quad 7 upper and its occupants were never searched and never giving any explanation of the assault and Tamination of the chemical agents since we

didn't pose a threat to the staff and fellow inmates. I would like the city of New York to pay the amount of 2 million dollars for such life threatening damage

VI. Previous lawsuits:

On
these
claims

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ___ No ☒

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____
Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ___ No ___

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes ___ No ☒

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____
Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____
If NO, give the approximate date of disposition _____
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 28 day of January, 2016



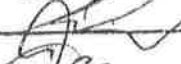
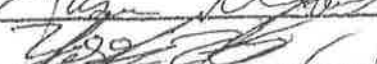




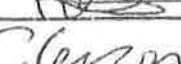
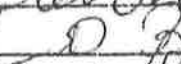
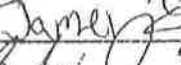
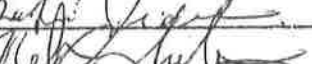
Signature of Plaintiff	<u>Clevon Pearson</u>
Inmate Number	<u>30014 00772</u>
Institution Address	<u>A M H C</u>
	<u>18-18 Hazen St</u>
	<u>East Elmhurst</u>
	<u>NY 11370</u>

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 28 day of January, 2016, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: Clevon Pearson

B/C

Name	B/C	Signature
Delroy Edwards	895-15-01548	
TASHAN RODNEY	1411503771	
Michael DONOVAN	441-13-00045	
JASON MURRAY	441-15-05158	
YOUSSEF KRAIE	441-15-08249	
Ronald McKaney	441-13-10064	
Michael Holder	825-15-01074	Michael Holder
Joshua Saunders	825-1501074	
Xavier ONeal	441-15-04561	
ROLAND JUNIOR	1411504204	
Clemon Pearson	3001400772	Clemon Pearson
Damian Reed	1411412191	
James Garrett	241-1508139	James Garrett
Baptist Jerry	1131401109	
Robert Jenkins	4411411519	

The above inmates was and is still except for one which was the occupants of Quad 7 upper that was present on November 21, 2015 and involved in the incident that took place.

signatures: Clemon Pearson

To whom it may
CONCERN.

On November 21 2015 on the 4:00
Lock-out. Quad 7 upper inmates WAS inform
by Officer Speight #5211 that we have
to lock in due to a RAZOR that Alleged
was missing from the 7 to 3 Shift.
Officer Speight #5211 who is a member
of the 3 to 11 Shift indicated to us that
as a protocol for inmates to lock in until
the razor is retrieved. Officer Speight
indicated that we were becoming noisier
loud and disruptive. The Area Supervisor
was immediately notified and we as inmates
starved for an explanation as to why a razor that is only allowed on
the 7 to 3 Shift in all City Jail's occupying
the New York City Area can go unnoticed
for a whole shift to no explanation.
The Area Supervisor only known to me
as Badge #11223 was just a baffled as
we were to this incident. Quad 7 upper
is titled as a Security Risk group house
we as inmate settled with each other
that this is going to be a peaceful
demonstration and that we are not going
to risk each others well being. It wasn't
before long that the Area Supervisor
badge Number 11223 notified his
Supervisor Deputy NAME AND Shield
Number not known. He responded to Quad

Angela

7 upper: Ferociously Abusing his Authority. We AS INMATES peacefully Asked that he Rectify the Situation AS A Result we ARROGANTLY Ignored our Pleas AND ORDER the officers to release the Chemical Agents in the dayRoom of Quad upper 7. All the occupants of Quad 7 was Blinded. Disabled, A lot of us couldn't see the vicious blows from the batons. A lot of us was left DUKING and quickly hand-cuffed AND ESCORTED to the Receiving Room IN which we WAS STRIP SEARCHED AND ESCORTED to a pen AND Decontaminated. All Extractions ARE CCTV monitored against the Correctional System The Deputy that responded to the Extraction of Quad 7 upper ALSO ORDER the Officer with the video camera to Exit the housing area while the Chemical Agents is released.

Now here's the thing! You would think that if a RAZOR is missing it would impose a SERIOUS threat to the Staff AS WELL AS AN INMATE of the facility It is a protocol in ANY jail that if a RAZOR is NOT accounted for the facility area will be SEARCHED! (Yes) A tactical SEARCH team will be dispatched to SEARCH the area. GUESS What?

Docket: 15-CV-9842 (AJN)

Clevon Pearson

3001400772

AMHC

18-18 Hazen St
East Elmhurst NY

11370

RECEIVED
SDNY PRO SE CLERK

2016 FEB -9 AM 8:33

USMP
SDNY

TO:

Prose intake unit
500 Pearl Street
New York, NY
10007-1312



1000731316*CO14

